

Submission to the Office for Youth on Australia's Youth Engagement Strategy

"If kids really participate, they get a better life..."
(Young person, ACT) (CREATE Foundation, 2023b)

"All I do is yell at people sometimes for my rights. They say "I've got so many kids to deal with." They think because I'm older, I'm good."
(Young person, NT) (CREATE Foundation, 2022a)

"... I feel like my caseworkers and case managers aren't listening to me. It feels really unfair because I feel like I'm not being listened to."
(Young person, WA) (CREATE Foundation, 2021)

"I guess because you're the one in care and everything is happening to you so it's really important that they listen to you. You're still growing up and your choices should be heard..."
(Young person, WA) (CREATE Foundation, 2021)

"I feel that it's important for me to have a say about things about me..."
(Young person, WA) (CREATE Foundation, 2021)

"Nobody started listening until I started to make threats."
(Young person, ACT) (CREATE Foundation, 2023b)

September 2023

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About CREATE Foundation

The CREATE Foundation is the national consumer peak body for children and young people with an out-of-home care experience. We represent the voices of over 45,000 children and young people currently in care, and those who have transitioned from care, up to the age of 25. Our vision is that all children and young people with a care experience reach their full potential. Our mission is to create a better life for children and young people in care.

To do this we:

- **CONNECT** children and young people to each other, CREATE and their community to
- **EMPOWER** children and young people to build self-confidence, self-esteem, and skills that enable them to have a voice and be heard to
- **CHANGE** the care system, in consultation with children and young people, through advocacy to improve policies, practices and services and increase community awareness.

We achieve our mission by facilitating a variety of programs and services for children and young people with a statutory care experience and developing policy and research to advocate for a better care system.

Introduction

Thank you for the opportunity to respond to *Over to you... A discussion paper on Australia's youth engagement strategy*. CREATE Foundation is pleased to see the appointment of the Youth Steering Committee to help create the new Youth Engagement Strategy and we urge the Office for Youth to ensure that young people continue to be involved beyond development of the strategy. This should include involvement in implementation, monitoring and evaluation of outcomes of the strategy. Young people should also be involved in co-design of any resulting policy reforms or system changes that arise out of the strategy.

The right to participation is enshrined in the *Convention on the Rights of the Child 1989*, Article 12 (United Nations, 1989). As a signatory, Australia has a core obligation to combat negative perceptions and attitudes around the capability of children and young people to engage in decision-making which act as impediments to the full realisation of the child's right to express their views freely in all matters affecting them and to be heard (UN Committee on the Rights of the Child, 2009).

This is especially important for children in out-of-home care. A summary of Australian research on the participation of children and young people in care in decisions affecting their lives conducted by the Australian Institute of Family Studies (AIFS) highlights that being heard and having a voice can enhance their self-esteem, feelings of empowerment, and better ensure their specific needs are met (Osborn & Bromfield, 2007). However, research has shown that nationally, only 67.5% of children and young people in care felt they could have a say "reasonably often" and 15.7% reported they rarely or never had a say (McDowall, 2018).

Further, at a CREATE Youth Advisory Group (YAG) meeting in 2022, young people discussed their experiences of stigma and peer perceptions and the impact on their confidence, sense of agency and participation in decisions that matter to them. They told the CREATE Foundation that:

"Everyone's told me that I'm a disappointment and I'll end up in juvie [juvenile detention]."
(CREATE Foundation, 2022b)

"I've been bullied about it [being in care]."
(CREATE Foundation, 2022b)



“I don’t tell anyone, not even my close friends.”
(CREATE Foundation, 2022b)

Young people with a care experience can face negative community perceptions in regards to their ability, future potential and worth. These barriers impede the ability of young people with a care experience to express their voice and feel like they are being seen and heard. As such, CREATE Foundation calls on the Office for Youth to embed a commitment to addressing stigma and overcoming the particular barriers to participation that young people in care experience, alongside a commitment to address the particular needs of other groups of young people who experience disadvantage and barriers to participation. This should include representation of young people with experience of out-of-home care on the Youth Steering Committee and expansion of the remit of the Youth Steering Committee to include leadership and oversight of implementation, monitoring and evaluation of the Youth Engagement Strategy, once developed.

Please find below CREATE Foundation’s responses to relevant discussion questions that highlight how the Office for Youth can better support children and young people with a care experience.

Issues that are important to young people

What are the top three issues that you believe should be a priority for the Australian Government's youth engagement?

CREATE Foundation sees the Youth Engagement Strategy as an opportunity to elevate and recognise the human rights of children and young people. To do this, we advocate for significant policy reform to address the following priority issues:

Supporting young people in the face of the cost of living and housing crises

The rising cost of living is impacting young people disproportionately. Finder’s recent *Cost of Living Report 2023* (Cooke, 2023) highlighted that:

- costs are mainly affecting younger people, with 90% of gen Z reducing their spending compared to only 59% of baby boomers, and
- 70% of gen Z said they experienced financial stress, followed by 60% and 45% for generations Y and X respectively.

Young people transitioning from out-of-home care are particularly vulnerable to cost of living pressures due to increased barriers in relation to securing housing and gaining employment. While CREATE Foundation was pleased to see the final two states, Queensland and New South Wales, recently commit to providing some form of extended support to care leavers until the age of 21, the level of financial support provided in most jurisdictions remains too low to meet the basic needs of young people transitioning into independent living. There is also considerable variability of transition supports, including financial allowances, across jurisdictions which results in inequity of support for young people transitioning from care. Further, despite numerous reviews and consultations, the Commonwealth’s Transition to Independent Living Allowance (TILA), a one-off payment of up to \$1,500, has not increased since 2009 and is now falling behind the cost of living.

At a recent CREATE Youth Advisory Group (YAG) meeting in 2023, young people in New South Wales discussed their transition experiences and highlighted the inadequacies of current supports, noting that additional supports have been rolling out in New South Wales from February 2023 onwards:

“As soon as I turned 18, I was just on my own. It took me 3 years to get my TILA after I was on my own.”
(CREATE Foundation, 2023c)



“Being 22, I’m at the bottom of the list to help. I’m feeling very isolated and not supported. Recently they helped me to move and broke a lot of my furniture and just said to replace it. I’ve never felt supported by my caseworkers, but even more so after I turned 18.”

(CREATE Foundation, 2023c)

“They didn’t do a leaving care plan until 2 weeks before [I left care] ... I ended up having to go out on my own to find a place and I ended up basically homeless ... they just wiped their hands and said ‘there’s nothing more we can do.’ They set me up in a hotel for one night.”

(CREATE Foundation, 2023c)

CREATE Foundation is also deeply concerned by data from the 2021 ABS Census which indicated that on census night, of the 122,494 people experiencing homelessness, the majority of people were aged under 35 years (71,354 or 58%) (ABS, 2021). Young people aged 12 to 24 comprised 23% of all Australians experiencing homelessness (28,204) and 14% (17,646) were under the age of 12 (ABS, 2021).

Risk of homelessness is even more pronounced among young people leaving out-of-home care. Recent research in Australia has shown that 30% of the young people with a care experience surveyed, reported they had been homeless at some stage within their first year after leaving care (37% of these for 6 months or more) (McDowall, 2020). This is due to ineffective care planning, limited supply and diversity of suitable housing, long waiting lists for social housing, and a lack of financial, material and emotional resources, as a result of young people’s life experiences (McDowall, 2020). Given that young people transitioning from care face an increased risk of homelessness, they require targeted actions to meet their needs.

Supporting the right to self-determination for Aboriginal and Torres Strait Islander young people

While the Australian Commonwealth Government announced its support for the *United Nations Declaration on the Rights of Indigenous People* (UNDRIP) in 2009, formal recognition and implementation of the principles contained within the Declaration have been patchy at best. The lack of implementation progress is also set against a history of colonisation, land dispossession, systemic and institutional racism, and practices of child removal in Australia. Deliberate action is needed to progress implementation of the UNDRIP as an authoritative mechanism that protects the rights of Aboriginal and Torres Strait Islander people in Australia.

Recognition of the right to self-determination and participation in decisions about their own lives is particularly important for Aboriginal and Torres Strait Islander children and young people in care. As of 30 June 2022, of the 45,393 children and young people in out of home care, 19,432 identified as Aboriginal or Torres Strait Islander (Australian Institute of Health and Welfare (AIHW), 2023). Further, the rate of Aboriginal and Torres Strait Islander children and young people in care was 56.8 per 1,000 (AIHW, 2023). This is unacceptably higher than rate for non-Indigenous children of 4.8 per 1,000 (AIHW, 2023).

The young people we connect with through our programs often describe experiences of discrimination against Aboriginal and Torres Strait Islander people and culture, making it feel unsafe to connect with non-Aboriginal people and services (CREATE Foundation, 2023a).

Elevating and recognising the human rights of children and young people

In 2019, in their *Concluding observations on the combined fifth and sixth periodic reports of Australia*, the Committee on the Rights of the Child raised serious concerns in relation to the full realisation of the 54 interdependent and indivisible rights of the child (United Nations Committee on the Rights of the Child, 2019). The Committee called for urgent action and/or measures to address violence, including sexual violence, abuse and neglect, children deprived of a family environment, administration of child justice (including raising the age of criminal responsibility), and the



meaningful engagement of children in the design and implementation of policies that concern children (United Nations Committee on the Rights of the Child, 2019).

CREATE Foundation strongly supports the Committee's calls for stronger action to ensure the full realisation of the *Convention of the Rights of the Child* in all Australian jurisdictions. This is particularly important for children and young people in care whose experiences within the care system have the potential to expose them to further harm and deprive them of the opportunity to participate in decisions that affect them.

Of particular concern is the rate of harm experienced by young people in care across all Australian jurisdictions. In 2020-21, 1,442 children were subject to a substantiation of abuse in care (AIHW, 2021). Despite the development of the National Standards for Out-of-home Care under the *National Framework for Protecting Australia's Children 2009–2020*, which aimed to drive improvements in the quality of care including safety, children and young people still experience harm.

Further, young people with a care experience are far more likely to have contact with the justice system than young people without a care experience. More than half (53%) of the young people under youth justice supervision during 2020–21 had an interaction with the child protection system in the preceding 5-year period and 21% had been in out of home care in the last 5 years (AIHW, 2022). Concerningly, nearly one-third (30%) of the young people under youth justice supervision during this period were the subject of a substantiated notification for abuse or neglect (AIHW, 2022).

As such, we firmly support the recent open letter signed by 126 organisations, including Aboriginal and Torres Strait Islander, health and medical, legal, community and human rights organisations, calling on all jurisdictions across Australia to urgently raise the age of criminal responsibility to 14 years, without exceptions – in line with medical and legal recommendations (Raise the Age Coalition, 2023).

When it comes to your top three issues, what specific outcomes would you like to see achieved for young people in Australia in each of these areas?

The CREATE Foundation would like to see the following reforms to improve outcomes for children and young people with lived experience of out-of-home care:

Supporting young people in the face of the cost of living and housing crises

Young people with an out-of-home care experience deserve the same opportunities to thrive as their peers without a care experience. However, they face significant structural barriers to achieving this, which are being compounded by the cost of living and housing crises.

CREATE Foundation calls on all Australian Governments to engage in a cross-jurisdictional review of services and financial supports for young people leaving care to determine the extent to which they deliver best-practice responses. The review would be the first step towards unifying packages across jurisdictions to ensure a minimum level of support, regardless of which state or territory young people leaving care reside in. The evidence indicates that adequate and effective transition supports should include the following key elements:

- Leaving care planning should consider flexibly meet young people where they are at and support young people to develop a positive outlook on transition prospects. Facilitating engagement on planning should be based on the young person's capability, including building the life skills necessary for independent living. They should also incorporate strong case management that promotes young people's human rights including their right to participate in decision making (Cameron et al., 2019).
- Strong emphasis on housing support to ensure young care leavers have to access stable and adequate housing. The CREATE Foundation recommends all Governments consider



innovative housing models and improved allowances for young care leavers up to age 25 to support their access to the private housing market. One such innovative approach to supporting young people leaving care is the model “Foyer Central” (a partnership between Uniting, Social Ventures Australia and SGCH) which is an apartment-style accommodation that’s purpose-built to provide a safe and centrally located living option for young people with a lived history of out-of-home care (see Foyer Central [here](#)). Further, Governments across Australia should honour commitments made under the National Housing and Homelessness Agreement to prioritise funding received under the Agreement for young people leaving care.

- Financial support that is adequate to meet their needs and basic expenses and with consideration given to cost of living pressures (and reviewed where necessary).
- Support to engage with mentors based on “warm” or “natural” connections, including peer support connections (Cameron et al., 2019).
- Access/referral to specialist services including employment, education, health and mental health supports, as with employment support that involves targeted personal support, skills training, work experience and education, building on young people’s strengths and culturally informed (Cameron et al., 2019).
- Support to maintain family connections and where relevant, including plans developed in consultation with Aboriginal Community-Controlled Organisations (ACCOs), to retain/develop connection to culture, kin and community (Cameron et al., 2019).
- Concentrated effort to increase transparency and effectiveness of monitoring with review points to evaluate the effectiveness of current responses against clearly defined outcomes for young people transitioning from care. Evaluation should be publicly available and include the voices of children and young people.

Supporting the right to Self-determination for Aboriginal and Torres Strait Islander young people

Australia has recognised both the individual and collective rights of Aboriginal and Torres Strait Islander young people and communities to have autonomy over their own lives, live with family, and practice culture, language and religion (SNAICC, 2017). However, realisation of these rights requires a number of system changes.

As a first step, Australia must implement the principles contained with the *United National Declaration on the Right of Indigenous Peoples* domestically. The process of implementation should be led in partnership with Aboriginal and Torres Strait Islander communities, especially young people from these communities. CREATE Foundation also support calls made by the Law Council of Australia in their submission to the Inquiry into the Application of the *United Nations Declaration on the Rights of Indigenous Peoples* in Australia, specifically their recommendation around development of a national action plan for domestic application of the UNDRIP and an audit or review existing legislation and policies for consistency and conformity with the UNDRIP (Law Council of Australia, 2022).

Further, over-representation of Aboriginal and Torres Strait Islander young people in statutory care demonstrates that current approaches to ensuring their safety and wellbeing are not working. As such, CREATE Foundation calls for greater investment to support Aboriginal-led reform efforts across all jurisdictions. The Victorian Aboriginal Children and Young People’s Alliance (VACYPA) strongly advocated in their submission on Child Protection to the Yoorrook Justice Commission that:

“True self-determination will require the Department to let go of control in legislative and policy drafting processes and place it back in the hands of ACCOs... At the same time, in recognition of the intergenerational trauma of stolen generations compounded by the socio-economic disadvantage



that colonisation has imposed on Aboriginal people, government must also support Aboriginal people to lead these processes.” (VACYPA, 2022, p. 8)

CREATE Foundation supports VACYPA’s call for true self-determination to redress the harms that have occurred for Aboriginal and Torres Strait Islander children, young people and families, to resource Aboriginal-led and designed service responses, and to interrupt the over-representation of Aboriginal and Torres Strait Islander children in contact with child protection and care systems.

Elevating and recognising the human rights of children and young people in out-of-home care

CREATE Foundation joins the chorus of voices calling for improved recognition of the rights of the child. We recommend that all Australian Governments recognise the existing evidence supporting this and engage in deliberate action to address the gaps in the current approach to implementing the *Convention on the Rights of the Child*. This should include:

- The Commonwealth Government supporting states and territories to expedite the refresh of the National Standards for Out-of-Home Care to align with the new national framework, *Safe and Supported*, and to reinstate annual, public reporting on compliance with the Standards. This work will help to address the lack of transparency around the extent to which children and young people’s needs and rights are being met in care including concerns around exposure to harm.
- State and territory governments must ensure all children and young people in care systems are informed of their rights and entitlements whilst in care, including all avenues for formal complaints and support mechanisms to navigate these processes. Noting recent research has shown that nationally, only one third of young people surveyed were aware of the Charter of Rights for Children and Young People in Out-of-Home Care relevant to their respective jurisdiction (McDowall, 2018).
- State and territory governments should enhance therapeutic supports for young people in care, to act as a preventative measure for youth justice contact. Through training and other resources, carers and workers (including residential care workers, foster and kinship carers, and caseworkers) should be better equipped to manage challenging behaviours within a trauma-informed framework that is culturally safe and LGBTQIA+ and disability inclusive.
- All Governments, as a matter of urgency, should commit to raising the age of criminal responsibility to 14 years, without exceptions.
- The CREATE Foundation acknowledges the significant work of the Office for Youth to improve current approaches to youth engagement and ensure young people are heard and their right to participate in decisions that affect them is upheld. However, we encourage the Office for Youth to create pathways for youth leadership that draw on the insights, resilience and capabilities of young people, including those with a care experience. This could be achieved through ensuring that the Youth Steering Committee includes young people with lived experience of out-of-home care, alongside young people with other diverse experiences. Further, the sustained involvement and leadership of the strategy could be achieved by expanding the remit of the Committee to include oversight of implementation, monitoring and evaluation of the Youth Engagement Strategy, as well as ensuring a youth-led or co-designed approach to programs and projects arising out of the strategy.



The youth engagement model and embedding youth engagement

How can the Australian Government use the new Youth Engagement Model to ensure it is achieving meaningful engagement with young people?

CREATE Foundation welcomed the recent establishment of the five Youth Advisory Groups by the Office for Youth. The Youth Advisory Groups (YAGs) will play a critical role in advising the Australian Government in relation to these priority areas. CREATE Foundation was particularly pleased to see the establishment of the First Nations YAG to provide advice to the National Indigenous Australians Agency (NIAA) on the development of the Early Years Education Capacity and Innovation Fund; the Safe and Supported YAG to provide advice to Department of Social Services (DSS) on *Safe and Supported: The National Framework for Protecting Australia's Children*; and the mental health and suicide prevention YAG to advise on better support options for young Australians.

To ensure there is genuine and meaningful engagement within the existing model, CREATE Foundation recommends that the Office for Youth:

- Consider, subject to the views of the Steering Committee and YAG members, publishing communiques from meetings of the YAGs. The establishment of young person-led advisory groups is a promising first step but it will be important to ensure that the relevant departments are held accountable to act on the advice of the young people offering their time and expertise.
- Ensure that all young people involved in the Committee and YAGs are provided with appropriate feedback loops around how their advice has been incorporated into policy or practice, to provide assurances that their voice is being listened to by government.
- Apply a diversity and equity lens to appointments of young people to YAGs and the Committee to ensure the inclusion of the voices of diverse groups, including children and young people with a care experience, are reflected.
- Expand the model to put young people at the heart of designing, leading and implementing change initiatives determined by Youth Advisory Groups.
- Ensure that young people are also involved in the review and evaluation of programs and change initiatives.

The Sustainable Development Solutions Network's *Youth Solutions Report* documents a plethora of youth-led initiatives aimed at achieving progress against the Sustainable Development Goals. The report highlights the immense potential for young people to lead and create considerable change (Sustainable Development Solutions Network, 2020). The Youth Solutions Program works with young people to overcome barriers to youth-led innovation, focusing on the multiple challenges that prevent young people implementing and scaling their projects and ideas (Sustainable Development Solutions Network). The program is a pathway to support young people to translate ideas into practical solutions.

What best practice models exist across Australia or internationally for implementing large-scale youth engagement successfully?

A range of participation models have begun to emerge at both national and international levels. However, as noted by the United Nations (2023), there are shortcomings which undermine the meaningfulness and effectiveness of the models that need to be addressed. These gaps include:

- restricting the scope of engagement to issues deemed to be of relevance to young people, which results in setting the agenda on behalf of young people as opposed to in conjunction with young people,
- the breadth of influence limited due to lack of funding or formal recognition or standing to make actionable recommendations for change,
- considerable variance between young people’s input and reflection of this input in decision making, leading to frustration from young people and a perception that engagement is tokenistic, and
- lack of concerted effort to support preparation efforts to ensure young people can fully engage (United Nations, 2023).

To avoid these gaps, CREATE Foundation recommends:

- Any further developments to the Office for Youth’s engagement model should attend to the potential gaps highlighted above to ensure ongoing endorsement from and participation of young people. This should include developing agendas for engagement in consultation with young people, creation of feedback loops to ensure young people know how their input is being considered, and sufficient resourcing to support preparation efforts for young people to fully participate in discussions.

Barriers for young people engaging with the Australian Government

What are the barriers young people experience when engaging with the Government? How do you think the Government can remove these barriers to support all young people to engage with the Australian Government?

As outlined, there are critical gaps in existing models of youth engagement that act as a barrier to young people’s full participation. Of particular concern is the variance between young people’s input and incorporation of this input in decision making. This is also true for children and young people with a care experience. McDowall (2013) highlighted that the extent to which young people in care believed that their views were not being valued and listened to acts as a stronger barrier to their participation than age, placement type and gender.

CREATE recommends:

- The Youth Engagement Strategy should include a commitment to embedding and developing strong feedback loops with young people involved in engagement processes to ensure they are provided with feedback about how their input has been utilised and reflected in decision making processes. This should also include translation initiatives that take youth engagement one step further and put young people at the heart of designing, leading and implementing change initiatives.

Engaging with diverse young people

What do you think the Australian Government should think about to engage effectively and sensitively with you or with young people from diverse backgrounds?

The CREATE Foundation urges the Australian Government to take a rights-based and trauma informed approach to engagement with young people. This means ensuring that engagement processes are not extractive in nature (i.e., collecting insights without any feedback loops on how these have been used) provide opportunities for young people to share their insights in way that suitable to their skills and that will contribute to a meaningful action, product or outcome.

In 2020, the CREATE Foundation developed an evidenced-informed best-practice guide, *Children and young people as decision-makers: encouraging participation in out-of-home care*, to support the creation of safe spaces that young people with a care experience need to effectively engage as the



experts in their own lives. The practice guide outlines the following seven foundational principles that the Australian Government should consider:

- Young people’s participation in decision-making (both within and beyond the out-of-home care sector) must be underpinned by child rights.
- Engagement processes should carve out time to develop meaningful, respectful and trusted relationships.
- Approaches should be strengths-based and promote agency and opportunities for young people.
- Safe spaces should include consideration of cultural safety, with connection and participation prioritised.
- Engagement should be grounded in open communication that is inclusive, respectful, and that uses child-friendly language.
- Facilitators should receive appropriate training and support to ensure that the right people are in the job.
- Working practices should be driven by professional integrity and be flexible, responsive, transparent and accountable.

Additionally, consideration should be given to the ethical limits of youth engagement including “consent as an ongoing process.” The Australian Institute of Family Studies (AIFS) (2018) provides extensive guidance around this idea and highlights the need to consider the power dynamics and difficulties associated with withdrawal of consent. This guidance also highlights the need for facilitators to be acutely aware of behavioural cues in addition to providing verbal assurance to young people that they can withdraw from engagement activities at any time (AIFS, 2018).

CREATE recommends:

- The Office for Youth reviews the raft of best practice guidance available in relation to youth engagement, in addition to the CREATE Foundation’s best-practice guide, to develop a comprehensive view of ethical considerations, safety practices and supports needed to foster positive and meaningful youth engagement. This could include:
 - *A guide to establishing a children and young people’s advisory group* (Office of the Advocate for Children & Young People NSW, 2021)
 - *Engaging children in decision making: A guide for consulting children* (Ballarat, Brimbank, Maribyrnong, Melton and Wyndham City Councils, Department of Education and Early Childhood Development and Kurunjang Primary School, 2013)
 - *Aboriginal Youth Engagement Project* (SA Commissioner for Children and Young People, Reconciliation SA & Tauondi Aboriginal College, 2019).
 - *Model of participation* (Queensland Family and Child Commission, 2022), and
 - *Ethical considerations in research and evaluation with children and young people* (AIFS, 2018).

Conclusion

Thank you for the opportunity to contribute a response to *Over to you... A discussion paper on Australia’s youth engagement strategy*. The CREATE Foundation welcomes the work of the Office for Youth and efforts to date to engage with young people across Australia. It is, however, critical that young people with a care experience are supported to meaningfully participate in these processes, including contributing to conversations around improving the care system and driving reforms.

Should you have any questions or require additional information, please do not hesitate to contact Imogen Edeson, National Advocacy and Influencing Manager, CREATE Foundation.

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